

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77710386
LAW OFFICE ASSIGNED	LAW OFFICE 116

MARK SECTION (no change)

ARGUMENT(S)

The Examining Attorney has maintained her objection under Section 2(d) of the Trademark Act, based on prior Reg. No. 2259758 of the mark POLARIS owned by Agfa Graphics N.V. In response, Applicant concurrently amends the identification of goods in its application to clarify and restrict the goods offered under its POLARIS mark and related fields of use. Applicant respectfully submits that, in view of the differences between the goods covered by the application, as amended, and the cited registration, and in view of the highly technical and sophisticated nature of the parties' respective products and consumers, there is no likelihood of consumer confusion and Applicant's mark should be passed to publication.

In support of its request, Applicant submits herewith in the form of the Declaration of Emilia F. Cannella informational printouts from the internet web sites of the cited registrant, Agfa Graphics N.V., and the Applicant to further illustrate the nature of and differences between the parties' respective goods. Applicant respectfully submits that such evidence of actual use is appropriate to aid in the examination of the relatedness of goods identified in a trademark application/registration and, in this case, supports Applicant's position that its mark is entitled to coexist with the Cited Mark. Applicant otherwise references the complete arguments set forth in its Response to Office Action filed on January 1, 2010.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL PDF FILE evi_389780100-175356418_._POLARIS_Class_9_Declaration.pdf

CONVERTED PDF

FILE(S) \\TICRS\EXPORT11\IMAGEOUT11\777\103\77710386\xml1\RFR0002.JPG
 (6 pages)

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GOODS AND/OR SERVICES SECTION (current)

**INTERNATIONAL
CLASS**

009

DESCRIPTION

Printers and parts thereof; component parts for printers, namely, print heads and parts thereof, print head modules and parts thereof, and clusters of print head modules for use in printers; printers and print heads for shaping materials into desired form; printers and parts thereof for domestic, business, and commercial applications; printers, print heads, and micropumps for dispensing fluids, liquids, and microparticles in the field of materials printing; hardware for printers and hardware for component parts for printers, namely, print heads, print head modules, clusters of print head modules, micropumps, and parts thereof

FILING BASIS

Section 1(b)

GOODS AND/OR SERVICES SECTION (proposed)

**INTERNATIONAL
CLASS**

009

TRACKED TEXT DESCRIPTION

Printers and parts thereof; Component parts for printers, namely, print heads and parts thereof, print head modules and parts thereof, and clusters of print head modules for use in printers in the fields of variable information printing and graphics printing; component parts for printers, namely, print heads and parts thereof, print head modules and parts thereof, and clusters of print head modules for use in printers; print heads for shaping materials into desired form; printers and print heads for shaping materials into desired form; print heads and micropumps for dispensing fluids, liquids, and microparticles in the field of materials printing; printers and parts thereof for domestic, business, and commercial applications; all of the foregoing excluding the field of circuit assembly; printers, print heads, and micropumps for dispensing fluids, liquids, and microparticles in the field of materials printing; hardware for printers and hardware for component parts for printers, namely, print heads, print head modules, clusters of print head modules, micropumps, and parts thereof

FINAL DESCRIPTION

Component parts for printers, namely, print heads and parts thereof, print head modules and parts thereof, and clusters of print head modules for use in printers in the fields of variable information printing and graphics printing; print heads for shaping materials into desired form; print heads and micropumps for dispensing fluids, liquids, and microparticles in the field of materials printing; all of the foregoing excluding the field of circuit assembly

FILING BASIS

Section 1(b)

SIGNATURE SECTION

DECLARATION

The filing Attorney has elected not to submit the signed declaration, believing

SIGNATURE	no supporting declaration is required under the <i>Trademark Rules of Practice</i> .
RESPONSE SIGNATURE	/emilia cannella/
SIGNATORY'S NAME	Emilia F. Cannella
SIGNATORY'S POSITION	Attorney of Record, Massachusetts bar member
DATE SIGNED	07/26/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jul 26 17:58:18 EDT 2010
TEAS STAMP	USPTO/RFR-38.97.80.100-20 100726175818264952-777103 86-470c874e82e90304865634 dc27c92ffc7c7-N/A-N/A-201 00726175356418730

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **77710386** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Examining Attorney has maintained her objection under Section 2(d) of the Trademark Act, based on prior Reg. No. 2259758 of the mark POLARIS owned by Agfa Graphics N.V. In response, Applicant concurrently amends the identification of goods in its application to clarify and restrict the goods offered under its POLARIS mark and related fields of use. Applicant respectfully submits that, in view of the differences between the goods covered by the application, as amended, and the cited registration, and in view of the highly technical and sophisticated nature of the parties' respective products and consumers, there is no likelihood of consumer confusion and Applicant's mark should be passed to publication.

In support of its request, Applicant submits herewith in the form of the Declaration of Emilia F. Cannella

informational printouts from the internet web sites of the cited registrant, Agfa Graphics N.V., and the Applicant to further illustrate the nature of and differences between the parties' respective goods. Applicant respectfully submits that such evidence of actual use is appropriate to aid in the examination of the relatedness of goods identified in a trademark application/registration and, in this case, supports Applicant's position that its mark is entitled to coexist with the Cited Mark. Applicant otherwise references the complete arguments set forth in its Response to Office Action filed on January 1, 2010.

EVIDENCE

Original PDF file:

evi_389780100-175356418_.POLARIS_Class_9_Declaration.pdf

Converted PDF file(s) (6 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Printers and parts thereof; component parts for printers, namely, print heads and parts thereof, print head modules and parts thereof, and clusters of print head modules for use in printers; printers and print heads for shaping materials into desired form; printers and parts thereof for domestic, business, and commercial applications; printers, print heads, and micropumps for dispensing fluids, liquids, and microparticles in the field of materials printing; hardware for printers and hardware for component parts for printers, namely, print heads, print head modules, clusters of print head modules, micropumps, and parts thereof

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: Printers and parts thereof; Component parts for printers, namely, print heads and parts thereof, print head modules and parts thereof, and clusters of print head modules for use in printers in the fields of variable information printing and graphics printing; component parts for printers, namely, print heads and parts thereof, print head modules and parts thereof, and clusters of print head modules for use in printers; print heads for shaping materials into desired form; printers and print heads for shaping materials into desired form; print heads and micropumps for dispensing fluids, liquids, and microparticles in the field of materials printing; printers and parts thereof for domestic, business, and commercial applications; all of the foregoing excluding the field of circuit assembly; printers, print heads, and micropumps for dispensing fluids, liquids, and microparticles in the field of materials printing; hardware for printers and hardware for component parts for printers, namely, print heads, print head modules, clusters of print head modules, micropumps, and parts thereof **Class 009 for Component parts for printers, namely, print heads and parts thereof, print head modules and parts thereof, and clusters of print**

head modules for use in printers in the fields of variable information printing and graphics printing; print heads for shaping materials into desired form; print heads and micropumps for dispensing fluids, liquids, and microparticles in the field of materials printing; all of the foregoing excluding the field of circuit assembly

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Request for Reconsideration Signature

Signature: /emilia cannella/ Date: 07/26/2010

Signatory's Name: Emilia F. Cannella

Signatory's Position: Attorney of Record, Massachusetts bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77710386

Internet Transmission Date: Mon Jul 26 17:58:18 EDT 2010

TEAS Stamp: USPTO/RFR-38.97.80.100-20100726175818264

952-77710386-470c874e82e90304865634dc27c

92ffc7c7-N/A-N/A-20100726175356418730

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the matter of

Serial No. : 77/710386
Mark : POLARIS
Class : 9
Applicant : FUJIFILM Dimatix, Inc.
Filed : April 9, 2009
Examining Attorney : Kristina Morris
Law Office : 116

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

DECLARATION OF EMILIA F. CANNELLA

I, Emilia F. Cannella, declare as follows:

1. I am Counsel at the law firm of Ropes & Gray LLP, the attorneys for applicant, FUJIFILM Dimatix, Inc. I make this declaration in support of FUJIFILM Dimatix, Inc.'s application to register the trademark POLARIS.

2. Attached are true and correct copies of print outs of pages from the cited registrant Agfa Graphics N.V.'s Internet web site, located at the following Internet web addresses:

http://www.agfa.com/en/gs/products_services/all_products/polaris.jsp

http://www.agfa.com/en/gs/news_events/latest_news/archive/20040505_polarisx.jsp

3. Attached is a true and correct copy of a print out of a page from FUJIFILM Dimatix, Inc.'s Internet web site, located at the following Internet web address:

<http://www.dimatix.com/news-events/press-releases.asp?display=detail&id=63>

4. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration.

Dated: July 26, 2010

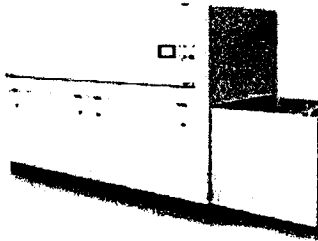

Emilia F. Cannella








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:Polaris X

[Overview](#) [Features](#)



Related documents

- [Polaris XTV](#) 
- [Polaris XTV-S & XCV-S](#) 
- [Polaris XCV](#) 
- [Polaris XDV](#) 
- [Agfa & RoHS legislation](#) 

Agfa's :Polaris X CtP portfolio is designed to meet the automation and speed requirements of all newspapers. :Polaris X imaging systems provide speeds from 200-350 plates per hour, with the ability to image multiple resolutions, even throughout one production run.

:Polaris Trolley Version (XTV & XTV-S)

High-performance for medium to high volume newspapers

- Utilises high quality, violet imaging enabling 200 (XTV) & 260 (XTV-S) plates per hour
- Maximum plate size: 495 x 690 mm (singles) & 1025 x 690 mm (panoramas)
- Enables high volume plate production, the trolley holds 1000 single, or 500 panorama, plates to be kept online
- Multiple plate sizes are possible within the same system, utilising different trolleys

:Polaris Multiple Cassette Version (XC, XCV & XCV-S)

High-performance for medium to high volume newspapers

- Utilises high quality and fast violet imaging enabling 200 (XCV) & 260 (XCV-S) plates per hour
- Maximum plate size: 495 x 690 mm (singles) & 1025 x 690 mm (panoramas)
- Fully automated plate size switching within a single production run
- Increased number of plate sizes are possible within the same system

User Profile

The Polaris X range is designed to meet all the needs of medium to high volume newspaper printers. It is designed to couple flexibility with speed, but with no compromises.

Key benefits

Automated plate production provides faster production times to meet tight deadlines

:Polaris systems yield consistent-quality plates every time, so there are fewer remakes.

Online plate cassettes keep hundreds of plates online for maximum productivity.

Automated plate loading and handling saves time and increases workflow efficiency.

Polaris systems are easily upgradeable to meet your changing needs.

Adjustable resolutions allow you to control your output for maximum efficiency.

Violet-lasers have a 10-year lifespan, eliminating the need for replacement and its associated cost.

Violet-laser imaging provides cleaner processing conditions that reduce the amount of chemical waste and disposal costs.

Advanced screening options available with :Polaris systems boost print quality, impressing readers and advertisers.



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Agfa boosts speed in new :Polaris X platesetters

Agfa demonstrates one of the fastest single laser systems at Drupa

Press release Düsseldorf, Germany – Drupa May 05, 2004 17:40

Agfa today announced that its already-fast violet CtP platesetting systems are being complemented by the addition of new, high speed, :Polaris systems. The enhanced versions, the :Polaris XTV-S and XCV-S, are now more than 25 percent faster than the XTV and XCV. Each system is now capable of producing 260 plates per hour, enough to satisfy even the most demanding newspaper environments.

Large newspaper companies around the world would appreciate the low cost of operation combined with the high throughput of the :Polaris X, which allows them to extend their deadlines. With the reliable, single violet laser at the heart of the system, high-quality plates are produced one after the other at an astounding pace.

"We are pleased that we could further enhance our already successful :Polaris portfolio, so it can reach newspaper printers that demanded more from their platesetters. The significant speed increase demonstrates that we are committed to serving the needs of all newspaper printers, from functionality through to cost of operation," said Agfa's Emma Isichei, worldwide business manager of newspaper digital prepress.

The reliability of Agfa's :Polaris X combined with the additional speed and some new features, such as additional paper sensors, ensure that the user can have fast, consistent and reliable plate making hour after hour.

About :Polaris X

Both the :Polaris XTV-S and XCV-S use a single, long-life violet (405 nm) laser, which is the same as employed in the current versions of the :Polaris XTV & XCV. The high-speed versions, the XTV-S and XCV-S achieve imaging speeds in excess of 260 plates per hour, at 1016 dpi. The XTV-S is a single-wide, high-speed flatbed platesetter that uses a convenient plate trolley and keeps more than 1000 single or 500 panorama plates on-line. The XCV-S features three online input cassettes that allow for effortless switching between panorama and single plates.

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Press Releases

FUJIFILM Dimatix Launches Spectra Polaris Printhead

New Spectra™ Polaris PQ-512/15 inkjet printhead taps Q-Class hybrid construction, repairable design and VersaDrop™ binary jetting to support exacting printing applications requiring resolutions to 1000 dpi.

Shanghai, China - July 7, 2009 - FUJIFILM Dimatix today launched the latest addition to its line of Spectra brand drop-on-demand inkjet printhead products with the introduction of the new Spectra Polaris PQ-512/15 printhead aimed at a wide range of demanding printing applications.

The Spectra Polaris PQ-512/15 printhead utilizes the binary operating capability of Dimatix' VersaDrop™ jetting technology and Q-Class hybrid construction to deliver ink drop sizes from 15 to 30 picoliters from 512 individually addressable inkjet nozzles at continuous frequencies up to 45 kHz fired at 8 meters/second velocity with exceptional straightness.

The new Spectra Polaris printhead is equipped with a flexible, fluid interface allowing single or two-color operation with a broad range of inks, including UV-curable inks and aggressive organic solvents, making it suitable for a broad range of commercial and industrial printing applications such as wide-format, label and package printing at resolutions to 1000 dpi.

An integral mounting bezel designed with precision registration points enables drop-in alignment – a unique repairable feature allows each 256-channel jet module to be exchanged and accurately registered in the field without the need for special tools or recalibration. Each 256-channel jet module is also dual-ported to facilitate ink flushing and recirculation. Heaters and temperature sensors allow precise control of ink viscosity at jetting temperatures up to 70°C.

"The Spectra Polaris PQ-512/15 printhead gives systems builders the option to design scanning products tailored to a wide range of printing applications requiring both speed and print quality," said Marc Torrey, Vice President, Marketing, FUJIFILM Dimatix, Inc. "That high level of versatility in an economical printhead module designed to provide long-service life and simplified field maintenance will make the Spectra Polaris PQ-512/15 the printhead of choice to drive a new class of highly flexible printer products."

About FUJIFILM Dimatix

FUJIFILM Dimatix, Inc., the world's leading supplier of drop-on-demand inkjet printheads for industrial applications, is driving a revolution in inkjet technology to support a new generation of products for printing, industrial product decoration and materials deposition. The company's innovative inkjet technology and world-class fabrication techniques enable OEMs, system integrators and manufacturers to build cutting-edge systems and manufacturing processes for high-performance, precision printing of traditional inks and deposition of functional fluids on all types of surfaces, including flexible substrates.

A wholly owned subsidiary of FUJIFILM Corporation, FUJIFILM Dimatix is headquartered in Santa Clara, California and maintains U.S. product development and manufacturing operations in California and New Hampshire. The company sells and supports its products worldwide through offices in the United States, Europe, Japan, Korea, China and Taiwan. For more information, visit www.dimatix.com.

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Spectra is a registered trademark and Dimatix and VersaDrop are trademarks of FUJIFILM Dimatix, Inc.

If you would like a high resolution photo of a Spectra Polaris PQ-512/15 printhead, please contact Ms. Eunice Wang at ewang@dimatix.com.

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